IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7987 OF 2005

Basu Amender Sharma ...Applicant
Vs.
State of Maharashtra ...Respondent

Shri Taraq Sayed for the Applicant.
Shri R.Y. Mirza, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 21, 2005.

P.C.:

1. Heard Shri Sayed appearing for the Applicant and Shri Mirza, A.P.P. for the State.

2. The present Applicant alongwith seven co-accused are chargesheeted by Manor Police Station in C.R.No.I-98 of 2004 for offences punishable under section 396 and 201 of the Indian Penal Code. It is not seriously disputed before me that it is the absconding accused Manjeetsingh and Bhupendrasingh who are involved in the act of strangulation of the deceased driver Didarsingh and disposal of the Dead body. As far as the present Applicant is concerned, he is the cleaner of the truck which was driven by the deceased. It is pointed out that apart from being the cleaner of the truck and travelling in the same alongwith the deceased, no specific act which is attributable to the absconding accused is alleged as

against this Applicant. His case is identical to that of the other five accused who have been enlarged on bail vide orders dated 13th June, 2005 and 22nd June, 2005.

3. After perusing the said orders, in my view, the learned Sessions Judge ought to have extended the principle of parity and enlarged the present Applicant on bail, more so, when the act of strangulation is attributed to the absconding accused. In the light of the same, following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.I-98 of 2004 of Manor Police Station,** subject to furnishing a personal bond of **Rs.20,000/-** with two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iii) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE